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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,709	04/05/2006	Walter Wolf	016906-0486	3743
22428	7590	10/15/2007	EXAMINER	
FOLEY AND LARDNER LLP			HERNANDEZ, MICHAEL	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			3612	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			10/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/574,709	WOLF, WALTER
	<b>Examiner</b> Mike Hernandez	<b>Art Unit</b> 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. **Claims 2, 10, 15, 16, and 17 are objected to** because of the following informalities: Claim 2 at the end of the claim, "exit" should be "exits". Claim 10, as written, does not make grammatical sense. Claims 15, 16, and 17 are written in independent form but partially depend upon claim 1. It is suggested that the claims be rewritten to include all of the structural limitations of claim 1 to put them in proper independent form. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4, 6, 9, 10, 11, 15, and 16 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 15, and 16 use the term "and/or" to describe structural limitations that makes it unclear as to what is actually being claimed.

Claim 6 recites the limitation "its two half bodies" and is dependent upon claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 is a dependent claim, however no claim number is given for which it depends. For the purposes of examination, claim 9 was assumed to depend from claim 5.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 through 9, and 12 through 17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,921,127 to Feith et al. in view of US Pat No 6,739,673 to Gupta et al.

Regarding claim 1, Feith et al. discloses a structural element, in particular a cross member for arranging between A-pillars of a motor vehicle, with a basic body 14 which is essentially designed as a hollow profile and is provided on the inside with a plastic core 22 forming at least one duct 24.

Feith et al. fails to disclose the basic body being perforated.

Gupta et al. teaches (Fig 18) a structural element wherein a basic body is designed such that it is at least partially perforated.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Feith et al. with perforations, as taught by Gupta et al., in order to create a vent opening and reduce weight.

As to claim 2, Gupta et al. teaches (Col 19 Ln 59-63) the perforations are used as a vent opening.

As to claim 3, Feith et al. discloses the basic body is made of sheet metal.

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As to claim 4, Gupta et al. teaches the the perforations are formed from perforated sheet metal.

As to claim 5, Feith et al. discloses two half bodies 116,118 form the basic body.

As to claim 6, Feith et al. discloses the two half bodies are held together by the plastic core.

As to claim 7, Feith et al. discloses the two half bodies are additionally connected mechanically 140.

As to claims 8 and 9, Gupta et al. teaches perforations in an opening region of one half body. Inclusion of perforations over the second half body is simply duplication of parts and is not patentably distinguishable over the prior art. Additionally, the perforations are used for venting air and weight reduction, both motivations being taught by Gupta et al., and it is an obvious expedient to include vents wherever air is desired to be directed.

As to claim 12, Feith et al. discloses a plurality of openings spaced in the longitudinal direction.

As to claim 13, Feith et al. discloses the duct has a plurality of chambers 128.

As to claim 14, Feith et al. discloses housing parts 36 of an HVAC system integrally formed on the edges and bear against the basic body.

As to claims 15 and 16, Feith et al. discloses the structural element is an instrument panel support in a vehicle and the duct is an air-conditioning duct and air is supplied to the windows.

As to claim 17, Feith et al. discloses a method of producing a structural element wherein a basic body is placed in a mold and the plastic core is injection molded in a single method step.

6. **Claims 10 and 11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Feith et al. with Gupta et al. as applied to claim 1 above, and further in view of US Pat No 6,305,733 to Rahmstorf et al.

Feith et al. with Gupta et al. discloses a structural element as applied to the previous claims, however fails to disclose a reinforcing element.

Rahmstorf et al. teaches (Fig 1) a structural element having two half bodies 1,3 wherein a reinforcing element 43 is arranged parallel to the plane of separation of the two bodies.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Feith et al. with Gupta et al. with a reinforcing element, as taught by Rahmstorf et al., in order to add support to the structural element and channel air within the duct.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited Cooper references disclose a structural dash element having air conducting means and a plastic core. The Yoshitsugu reference discloses a structural element having perforations for weight reduction. The remaining references disclose dash support members having ventilation means for an air-conditioning unit.

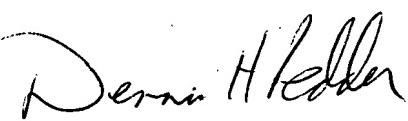
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Hernandez whose telephone number is 571-272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MJH 10/10/07

  
DENNIS H. PEDDER  
PRIMARY EXAMINER

AJ 36.2  
10/12/07